

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ANDREW L. VALENTINE,**  
**Plaintiff,**

**v.**

**JOSEPH M. LYNCH, et al.,**  
**Defendants.**

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**CIVIL ACTION NO. 18-4733**

**ORDER**

This 9<sup>th</sup> day of January, 2019, upon consideration of Plaintiff Andrew L. Valentine's "Motion for Time Extension to File Motion for Appointment of Counsel" (ECF No. 8), his *pro se* Amended Complaint (ECF No. 9), and his Motion for Appointment of Counsel (ECF No. 10), it is **ORDERED** that:

1. The "Motion for Time Extension to File Motion for Appointment of Counsel" is **DENIED** as moot.
2. The Amended Complaint is **DISMISSED without prejudice** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum.
3. Valentine is given leave to file a second amended complaint within thirty (30) days of the date of this Order. If Valentine files a second amended complaint, he must identify all the defendants in the caption of the amended complaint. The amended complaint must also describe how each defendant was responsible for violating Valentine's rights and should not rely on or refer to the initial Complaint or Amended Complaint to state a claim. In other words, all of Valentine's factual allegations must be contained in his second amended complaint. Upon the

filing of a second amended complaint, the Clerk of Court shall not make service until so  
**ORDERED.**

4. The Clerk of Court is **DIRECTED** to send Valentine a blank form complaint to be used by a prisoner filing a civil rights action. The Clerk of Court shall write the civil action number of this case on the form. Valentine may use this form to file a second amended complaint if he chooses to do so.

5. If Valentine fails to file a second amended complaint, his case may be dismissed without prejudice for failure to prosecute without further notice.

6. The Motion for Appointment of Counsel is **DENIED without prejudice** at this time.

/s/ Gerald Austin McHugh  
United States District Judge